

SEP 27 2001

PATENT & TRADEMARK OFFICE

CERTIFICATE OF MAILING

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By KS Broades

Date 9-24-01

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Suad Efendic	)	
Serial No.	: 09/400,802	)	
Filed	: September 22, 1999	)	Group Art Unit:
		)	1653
For	: USE OF GLP-1 OR ANALOGS IN	)	Examiner
	TREATMENT OF STROKE	)	F. Moezie
Docket No.	: X-11158	)	

NOTICE OF ERROR

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Applicant noticed that the filing date on the Office Action dated July 3, 2001 is incorrect. Furthermore, the Examiner has replace the filing date and marked it as inconsistent on the sequence listing error report. The filing date of this application is September 22, 1999 and not October 21, 1999. Attached is a copy of the Filing Receipt.

Respectfully submitted,



Mark J. Stewart, Ph.D.  
Attorney for Applicant  
Registration No. 43,936  
Phone: 317-276-0280

10/02/2001 HN00R1 00000020 050840 09400802  
01 FC:116 390.00 CH

Eli Lilly and Company  
Patent Division/MJS  
Lilly Corporate Center  
Indianapolis, Indiana 46285

September 20, 2001

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OCT 03 2001

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

FILING RECEIPT

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/400,802	09/22/99	1614	\$0.00	3051-90334	2	13	3

ALICE O MARTIN  
BARNES & THORNBURG  
2600 CHASE PLAZA  
10 SOUTH LASALLE STREET  
CHICAGO IL 60603

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OCT 19 1999

BARNES & THORNBURG

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

SAUD EFENDIC.

Lidingo, Sweden

SUAD

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 10/14/99

TITLE

USE OF GLP-1 OR ANALOGS IN TREATMENT OF STROKE

PRELIMINARY CLASS: 514

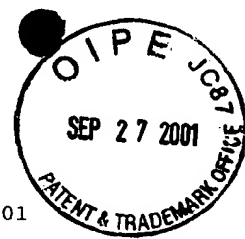
Continuing Data as claimed by Applicant -  
This application is a CON of 60/101,719  
filed September 24, 1998

DATA ENTRY BY: DILLON, LAWANDA

TEAM: 03 DATE: 10/14/99

\*\*\*\*\*

(See reverse for new important information)



VERIFICATION SUMMARY

PATENT APPLICATION: US/09/400,802

DATE: 04/05/2001

TIME: 09:09:58

Input Set : A:\X-11158\_US Sequence Listing.txt

Output Set: N:\CRF3\04052001\I400802.raw

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OCT 03 2001

TECH CENTER 1600/2900

L:10 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
L:125 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:7  
L:190 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:10  
L:220 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:11  
L:257 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:12  
L:312 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:13  
L:315 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:13  
L:350 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:15  
L:372 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:16  
L:394 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17  
L:416 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:18  
L:454 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:20  
L:476 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:21  
L:557 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24  
L:560 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24  
L:595 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:26  
L:633 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:28  
L:671 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:30  
L:728 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:33  
L:750 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:34  
L:782 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:35  
L:785 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:35



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO. 93/400,802	FILING DATE 10/21/99	FIRST NAMED INVENTOR ELI LILLY	ATTORNEY DOCKET NO. X-11158
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ELI LILLY AND COMPANY  
PATENT DIVISION/SEC  
LILLY CORPORATE CENTER  
INDIANAPOLIS, IN 46285

MIS

HM11/0/02

EXAMINER  
MILZTE, F

ART UNIT  
1,353

PAPER NUMBER

DATE MAILED:

07/09/01

Due - 8-2-01  
(Ext. to 1-2-02)

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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JUL 12 2001

ELI LILLY AND CO.  
PATENT DIVISION

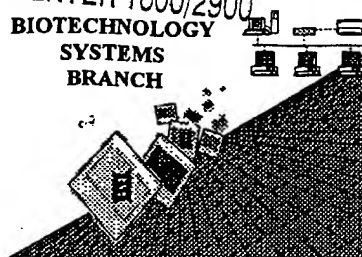
F. Moerle



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BIOTECHNOLOGY  
SYSTEMS  
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APR 17 2001

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## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/400,802

Source: 1653

Date Processed by STIC: 4/5/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER  
VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND  
TRADEMARK OFFICE WEBSITE. SEE BELOW:

### Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

SEP 27 2001

PATENT & TRADEMARK

# Raw Sequence Listing Error Summary

## ERROR DETECTED SUGGESTED CORRECTION

SERIAL NUMBER: 09/400,802

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 ☐ Wrapped Nucleics  
The number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 2 ☐ Wrapped Aminos  
The amino acid number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 3 ☐ Incorrect Line Length  
The rules require that a line not exceed 72 characters in length. This includes spaces.
- 4 ☐ Misaligned Amino Acid Numbering  
The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.
- 5 ☐ Non-ASCII  
This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.  
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.
- 6 ☐ Variable Length  
Sequence(s) \_\_\_\_\_ contain n's or Xaa's which represented more than one residue.  
As per the rules, each n or Xaa can only represent a single residue.  
Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.
- 7 ☐ PatentIn ver. 2.0 "bug"  
A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) \_\_\_\_\_. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies primarily to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 8 ☐ Skipped Sequences (OLD RULES)  
Sequence(s) \_\_\_\_\_ missing. If intentional, please use the following format for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO:X:  
(i) SEQUENCE CHARACTERISTICS: (Do not insert any headings under "SEQUENCE CHARACTERISTICS")  
(xi) SEQUENCE DESCRIPTION: SEQ ID NO:X:  
This sequence is intentionally skipped  
  
Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).
- 9 ☐ Skipped Sequences (NEW RULES)  
Sequence(s) \_\_\_\_\_ missing. If intentional, please use the following format for each skipped sequence.  
<210> sequence id number  
<400> sequence id number  
000
- 10 ☐ Use of n's or Xaa's (NEW RULES)  
Use of n's and/or Xaa's have been detected in the Sequence Listing.  
Use of <220> to <223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 11 ☒ Use of "Artificial" (NEW RULES)  
Use of "Artificial" only as "<213> Organism" response is incomplete, per 1.823(b) of New Sequence Rules.  
Valid response is Artificial Sequence.
- 12 ☐ Use of <220> Feature (NEW RULES)  
Sequence(s) \_\_\_\_\_ are missing the <220> Feature and associated headings.  
Use of <220> to <223> is MANDATORY if <213> ORGANISM is "Artificial Sequence" or "Unknown"  
Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)
- 13 ☐ PatentIn ver. 2.0 "bug"  
Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing).  
Instead, please use "File Manager" or any other means to copy file to floppy disk.

**FEE TRANSMITTAL**

Note: Effective November 10, 1998.

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$390.00)**METHOD OF PAYMENT** (check one)1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:Deposit  
Account  
Number  
Deposit  
Account Name

05-0840

Eli Lilly and Company

☒ Charge Any  
Additional Fee  
Required Under  
37 CFR 1.16 and  
1.177  
☐ Charge the Issue Fee Set  
in 37 CFR 1.18 at the  
Mailing of the Notice of  
Allowance2. ☐ Payment Enclosed:☐ Check☐ Money  
Order☐ Other**FEE CALCULATION****1. FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

**SUBTOTAL (1)** (\$)**2. CLAIMS**

Total Claims	Extr a	Fee from below	Fee Paid
-20**=	<input type="checkbox"/>	X 18	=
-3**=	<input type="checkbox"/>	X 80	=
Multiple Dependent Claims (first time)	<input type="checkbox"/>	270	=

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	39	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
109	78	209	39	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)\*\*or number previously paid, if  
greater; For Reissues, see above**SUBMITTED BY**

Typed Name Mark J. Stewart, Ph.D.

Signature *Mark J. Stewart***Complete if Known**

**Application Number** 09/400,802  
**Filing Date** September 22, 1999  
**First Named Inventor** Suad Efendic  
**Group Art Unit** 1653  
**Examiner Name** F. Moezie  
**Attorney Docket Number** X-11158

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge-late filing fee or oath	
127	50	227	25	Surcharge-late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	390
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive-unavoidable	
141	1,240	241	620	Petition to revive- unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design Issue Fee	
144	580	244	290	Plant Issue Fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$390.00)I hereby certify that this correspondence is being deposited with United States Postal Service as first class  
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appearing below.By *KB Rhoades*Date *9-24-01***CERTIFICATE OF MAILING**

ELI LILLY AND COMPANY

Complete (if applicable)

Reg. Number 43,936

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